

HOUSE No. 4555

Substituted, on motion of Mr. Scibak of South Hadley, as new text for the Senate Bill providing for the licensing of applied behavior analysts (Senate, No. 2379, amended). December 27, 2012.

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

By striking out all after the enacting clause and inserting in place thereof the following:

- 1 “SECTION 1. Section 88 of chapter 13 of the General Laws, as appearing in the 2008 Official
- 2 Edition, is hereby amended by striking, in line 4, the word ‘eleven’ and inserting in place thereof
- 3 the following word:- ‘thirteen’.
- 4 SECTION 2. Section 89 of chapter 13 of the General Laws, as so appearing, is hereby amended
- 5 by striking, in line 3, the word ‘eight’ and inserting in place thereof the following word:-‘ten’.
- 6 SECTION 3. Said Section 89 of chapter 13 of the General Laws, as so appearing, is hereby
- 7 further amended by inserting, in line 7, after the words ‘educational psychologists’ the following
- 8 words:- ‘two of whom shall be behavior analysts who meet the qualifications stated in Section 8
- 9 of this act.

10 SECTION 4. Said Section 89 of chapter 13 of the General Laws, as so appearing, is hereby
11 further amended by striking, in line 14, the word ‘six’ and inserting in place thereof the
12 following word:- ‘ten’.

13 SECTION 5. Section 90 of chapter 13 of the General Laws, as so appearing, is hereby amended
14 by striking , in line 4 and in line5, the words ‘seven members’ and inserting in place thereof the
15 following word:- ‘a majority of the appointed’.

16 SECTION 6. Section 163 of chapter 112 of the General Laws, as so appearing, is hereby
17 amended by inserting after the first paragraph the following three paragraphs:-

18 ‘Licensed Applied behavior analyst’, an individual who, by training, experience and examination
19 meets the requirements for licensing by the board and is duly licensed to engage in the practice
20 of applied behavior analysis in the commonwealth.

21 ‘Licensed Assistant applied behavior analyst’, an individual who, by training, experience and
22 examination meets the requirements for licensing by the board and is duly licensed to engage in
23 the practice of applied behavior analysis under the supervision of a licensed applied behavior
24 analyst or a physician or psychologist qualified to practice applied behavior analysis if it is
25 consistent with the accepted standards of their respective professions.

26 ‘Practice of applied behavior analysis’, the design, implementation and evaluation of systematic
27 instructional and environmental modifications, using behavioral stimuli and consequences, to
28 produce socially significant improvements in human behavior, including the direct observation
29 and measurement of behavior and the environment, the empirical identification of functional
30 relations between behavior and environmental factors, known as functional assessment and

analysis, and the introduction of interventions based on scientific research and which utilize contextual factors, antecedent stimuli, positive reinforcement and other consequences to develop new behaviors, increase or decrease existing behaviors and elicit behaviors under specific environmental conditions that are delivered to individuals and groups of individuals; provided, that ‘scope of practice of applied behavior analysis’ shall not include psychological testing, neuropsychology, diagnosis of mental health or developmental conditions, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, psychopharmacological recommendations, hypnotherapy, or academic teaching by college or university faculty.

SECTION 7. Chapter 112 of the General Laws, as so appearing, is hereby amended by inserting after section 164 the following section :-

Section 164A. Nothing shall be construed to prevent qualified members of other professions or occupations including, but not limited to, physicians, psychologists, teachers, occupational therapists, members of the clergy, authorized Christian Science practitioners, attorneys-at-law, social workers, guidance counselors, clinical counselors, adjustment counselors, speech pathologists, audiologists, rehabilitation counselors or professional employees meeting the requirements of a public or private school or agency’s licensure standards from practicing applied behavior analysis if it is consistent with the accepted standards of their respective professions or to an individual who implements applied behavior analysis services to an individual served in a public or private school setting or service agency licensed or approved by the state to provide residential, habilitative, vocational, or social support services when performed as part of an Individualized Education Program or Individualized Service Plan supervised by a professional employee meeting the requirements of the school or agency’s

licensure standards; provided, however, that no such physician, psychologist, teacher, occupational therapist, member of the clergy, Christian Science practitioner, attorneys-at-law, social worker, guidance counselor, clinical counselor, adjustment counselor, speech pathologist, audiologist, rehabilitation counselor, professional employee meeting the requirements of a public or private school or agency's licensure standards or individual who implements applied behavior analysis services to an individual served in a public or private school setting or service agency licensed or approved by the state to provide residential, habilitative, vocational, or social support services when performed as part of an Individualized Education Program or Individualized Service Plan supervised by a professional employee meeting the requirements of a public or private school or agency's licensure standards shall use any title or description stating or implying that such person is a licensed applied behavior analyst or licensed assistant applied behavior analysts without holding said license.

SECTION 8. Section 165 of chapter 112 of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following text:-

The board may issue a license to an applicant as an applied behavior analyst; provided, however, that each such applicant, in addition to complying with clauses (1) and (2) of the first paragraph shall provide satisfactory evidence to the board that such applicant:

(1) has successfully completed a doctoral degree from a recognized educational institution in which the doctoral program included a minimum of 60 graduate credit hours in courses related to the study of behavior analysis or a master's degree from a recognized educational institution wherein the master's program included a minimum of 30 graduate credit hours in courses related

to the study of behavior analysis combined with the successful completion of an approved course sequence formally approved by the board;

(2) has successfully completed a practicum or supervised experience in the practice of behavior analysis that meets the standards established by the board; and

(3) has successfully passed a board-approved examination related to the principles and independent practice of applied behavior analysis.

The board may issue a license to an applicant as an assistant applied behavior analyst; provided, however, that each such applicant, in addition to complying with clauses (1) and (2) of the first paragraph shall provide satisfactory evidence to the board that such applicant:

(1) has successfully completed a bachelor's degree from a recognized educational institution wherein a minimum of 135 classroom hours of instruction specifically in behavior analysis or a bachelor's degree combined with successful completion of a board-approved course sequence or course work which otherwise meets professional standards, as determined by the board;

(2) has successfully completed a practicum or supervised experience in the practice of behavior analysis that meets board established eligibility requirements; and

(3) has successfully passed a board-approved examination related to the principles and practice of applied behavior analysis.

SECTION 9. Section 171 of chapter 112 of the General Laws, as so appearing, is hereby amended by inserting, in line 5, after the words 'educational psychologists' the following words:- 'licensed behavior analyst or licensed assistant behavior analyst'.

SECTION 10. Notwithstanding section 165 of Chapter 112 of the General Laws, an applicant who applies to be licensed as an applied behavior analyst within 4 months after the promulgation of rules and regulations, may be granted status as a licensed applied behavior analyst, subject to the approval of the board, if: (i) the applicant is a board-certified behavior analyst certificant of the Behavior Analysis Certification Board; or (ii) the applicant has graduated with a doctoral degree from a recognized educational institution and the doctoral program included a minimum of 60 graduate credit hours in courses related to the study of applied behavior analysis; or (iii) the applicant has graduated with a master's degree from a recognized educational institution and the master's program included a minimum of 30 graduate credit hours in courses related to the study of behavior analysis and can demonstrate that the applicant has practiced as an applied behavior analyst full-time or equivalent part-time for a minimum of 5 years. An applicant who is granted a license under this section may renew the license biennially if the applicant completes and, when requested, provides evidence to the board completion of the prescribed minimum number of hours of continuing education. Within 4 months of the promulgations of rules and regulations, an applicant for a license as an applied behavior analyst or assistant applied behavior analyst shall meet the requirements of said section 165 of said Chapter 112.

SECTION 11. Notwithstanding section 165 of Chapter 112 of the General Laws, an applicant who applies for a license as an assistant applied behavior analyst within 4 months after the promulgation of rules and regulations, may be granted status as a licensed assistant applied behavior analyst, subject to approval by the board, if the applicant is a board-certified assistant behavior analyst certificant of the Behavior Analyst Certification Board. Within 4 months of the promulgations of rules and regulations, an applicant for a license as an assistant applied behavior analyst shall meet the requirements of said section 165 of said Chapter 112.

117 SECTION 12. The Board shall promulgate rules and regulations and implement licensure for
118 applied behavior analysts and assistant applied behavior analysts within eighteen months of the
119 passage of this act.”.